

Remarks

The following is a response to the Office Action dated September 30, 2003.

Per the above amendment, an Abstract, as required in item 1 of the Office Action, has been added.

In response to the rejection under 35 U.S.C. 112, second paragraph, particular ones of the pending claims, per the above amendment, have been amended to specifically overcome the indefiniteness noted. Accordingly, it is respectfully submitted that the 35 U.S.C. 112, second paragraph rejection has been overcome.

The claims have been rejected as either being anticipated by or obvious over Brain U.S. patent 5,632,271.

The aim of the present invention is to reduce the risk of the epiglottis blocking the air passage through a laryngeal mask. This is achieved by locating the patient end of the tubular portion (which is the narrowest part where blockage would be most likely) above and to the rear of the patient end opening of the mask, so that it is furthest away from the epiglottis.

In the Brain arrangement the mask has a masking member 18 extending in a dome formation above the opening. The masking member 18 has openings 20 and 20' by which air can flow to and from the airway tube 12. Thus, in the Brain arrangement the passage between the patient end of airway tube and the patient end mask opening is interrupted by the masking member and its openings. It is these openings that are the narrowest part of the passage, in contrast to the Collins arrangement where the narrowest part is the end of the tube itself. Thus, in the Brain arrangement it is at these openings that any blockage by the epiglottis would occur and these are located forwardly of the rear end of the patient end opening of the mask.

In order to clarify this difference, claim 1 has been amended to make it clear that the recess (54) extends without interruption from the opening (61) to the patient end (3) of the tubular portion (1). Thus, this makes it clear that the location where any blockage could occur is kept away from the patient end of the mask and the risk of blockage is thereby reduced.

No previous laryngeal mask has an uninterrupted recess of this kind with the patient end of the tubular portion located above and to the rear of the opening, as now required by the amended claims.

In light of the above, it is respectfully submitted that the instant invention is patentably distinguishable over the prior art. Accordingly, the examiner is respectfully requested to reconsider the application and pass the case to issue at an early date.

Respectfully submitted,



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